

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 5-1-03.

I. DISPUTE

Whether there should be reimbursement for CPT code 97799-CP.

II. FINDINGS

The respondent denied reimbursement for CPT code 97799-CP based upon "M- The charge for this procedure exceeds the fee schedule or usual and customary values as established by Ingenex."

III. RATIONALE

DOS	CPT CODE	Billed	Paid	EOB Denial Code	MARS (Maximum Allowable Reimbursement)	Reference	Rationale
8-6-02 8-7-02 8-14-02 8-16-02	97799CP	\$603.00 \ 3 = \$201.00 / hr	\$300.00	M	DOP Requestor was paid \$100.00/hr and is seeking a rate of \$159.67/hr.	Medicine GR (II)(G) Rule 133.307 (g)(3)(D)	Requestor noted that amount in dispute was \$179.00 per each date. Redacted EOBs support requestor’s position that 80% - 100% of amount billed was typically paid. 80% of \$201.00 = \$160.80/hr. The hourly amount the requestor is seeking is \$159.67. The respondent paid \$100.00 per hour. Therefore \$159.67 – amount paid = \$59.67 X 3 hrs. per day = \$179.00 X4 dates = \$716.00 is recommended.
8-19-02		\$1005.00 \ 5 = \$201.00 / hr	\$500.00				Requestor noted that amount in dispute was \$304.00. However as stated above, \$59.67 X 5 = \$298.35 is recommended.
TOTAL							The requestor is entitled to reimbursement of \$1014.35.

IV. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is** entitled to reimbursement for CPT code (97799CP) in the amount of **\$1014.35**. Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Division hereby ORDERS the Respondent to remit **\$1014.35** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Findings, Decision and Order are hereby issued this 22nd day of February 2005.

Elizabeth Pickle
Medical Dispute Resolution Officer
Medical Review Division